

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Alan D. Ford et al.	Art Unit :	2121
Serial No. :	09/877,404	Examiner :	Ryan A. Jarrett
Filed :	June 8, 2001	Conf. No. :	8082
Title :	AN INFUSION PUMP WITH AN ELECTRONICALLY LOADABLE DRUG LIBRARY AND A USER INTERFACE FOR LOADING THE LIBRARY		

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 CFR §§3.73(b) AND 1.321(b)

Pursuant to 37 CFR §3.73(b), THE GENERAL HOSPITAL CORPORATION and BAXTER INTERNATIONAL INC., certify that they are the assignees of the entire right, title, and interest in the above application by virtue of assignments from the inventors of the patent application identified above (copies of which are attached). The same assignments were recorded in the Patent and Trademark Office on October 12, 1993 at Reel 6721, Frame 0193 and Reel 6723, Frame 0495, respectively, for U.S. Serial Nos. 07/961,527 and 08/665,828, the latter of which issued as U.S. Patent No. 5,681,285. The present application is a divisional of Serial No. 08/957,907, which is a divisional of the '285 patent. All of these applications and patents are assigned to THE GENERAL HOSPITAL CORPORATION and BAXTER INTERNATIONAL INC., by virtue of these assignments.

The undersigned has reviewed all the documents in the chain of title of the above-identified application and to the best of undersigned's knowledge and belief, title is in THE GENERAL HOSPITAL CORPORATION and BAXTER INTERNATIONAL INC.

The undersigned is empowered to act on behalf of the assignees.

Pursuant to 37 CFR §1.321(b), and to obviate a double patenting rejection, THE GENERAL HOSPITAL CORPORATION and BAXTER INTERNATIONAL INC. hereby waive and disclaim the terminal portion of the term of the entire patent to be granted upon the above identified application subsequent to the expiration date of U.S. Patent No. 5,681,285. Further, any patent granted on the above identified application shall be enforceable only for and during such period that said patent is commonly owned with U.S. Patent No. 5,681,285.

CERTIFICATE OF MAILING BY EFS-WEB FILING

I hereby certify that this paper was filed with the Patent and Trademark Office using the EFS-WEB system on this date: August 05, 2008

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Attorney's Docket No.: 00786-0157003 / MGH-0657.3
Sims Div.

THE GENERAL HOSPITAL CORPORATION and BAXTER INTERNATIONAL INC. do not disclaim any terminal part of any patent granted on the above identified application prior to the expiration date of the full statutory term of U.S. Patent No. 5,681,285 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above.

This disclaimer runs with any patent granted on the above application and is binding upon the grantee, its successors, or assigns.

The fee in the amount of \$130 is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization Please charge any additional fees, or make any credits, to Deposit Account No. 06-1050, referencing Attorney Docket No. 00786-157003.

Respectfully submitted,

Date: August 5, 2008

J. Peter Fasse
J. Peter Fasse
Reg. No. 32,983

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (877) 769-7945

ASSIGNMENT

For valuable consideration, we, Alan D. Ford, of Concord, New Hampshire; Marc A. Mandro of Bow, New Hampshire hereby assign to Baxter International Inc., a Delaware corporation having a place of business at One Baxter Parkway, Deerfield, Illinois 60015, and its successors and assigns (collectively hereinafter called "the Assignee"), the entire right, title and interest throughout the world in the inventions and improvements which are subject of an application for United States Patent filed October 15, 1992, application serial number 07/961,527, entitled AN INFUSION PUMP WITH AN ELECTRONICALLY LOADABLE DRUG LIBRARY AND A USER INTERFACE FOR LOADING THE LIBRARY

this assignment including said application, any and all United States and foreign patents, utility models, and design registrations granted for any of said inventions or improvements, and the right to claim priority based on the filing date of said application under the International Convention for the Protection of Industrial Property, the Patent Cooperation Treaty, the European Patent Convention, and all other treaties of like purposes; and we authorize the Assignee to apply in all countries in our name or in its own name for patents, utility models, and design registrations and like rights of exclusion and for inventors' certificates for said inventions and improvements; and we agree for ourselves and our respective heirs, legal representatives and assigns, without further compensation to perform such lawful acts and to sign such further applications, assignments, Preliminary Statements and other lawful documents as the Assignee may reasonably request to effectuate fully this assignment.

IN WITNESS WHEREOF, I hereto set my hand and seal at Manchester, N.H.,
this 4th day of October, 1993.

Alan D. Ford
ALAN D. FORD

L.S.

STATE OF New Hampshire :
COUNTY OF Hillsborough :SS.

Before me this 4th day of October, 1993, personally appeared ALAN D. FORD known to me to be the person whose name is subscribed to the foregoing Assignment and acknowledged that he executed the same as his free act and deed for the purposes therein contained.

Martha St. Peter
Notary Public

[Notary's Seal Here]

My Commission Expires: " MARTHA ST. PETER, Notary Public
My Commission Expires June 25, 1996

REEL 6723 FRAME 96

IN WITNESS WHEREOF, I hereby set my hand and seal at Manchester, N.H.,
this 4th day of October, 1993

Marc A Mandro L.S.
MARC A. MANDRO

STATE OF New Hampshire:

COUNTY OF Hillsborough: :SS.

Before me this 4th day of October, 1993, personally appeared MARC A. MANDRO known to me to be the person whose name is subscribed to the foregoing Assignment and acknowledged that he executed the same as his free act and deed for the purposes therein contained.

Martha St. Peter
Notary Public

[Notary's Seal Here]

My Commission Expires: MARTHA ST. PETER, Notary Public
My Commission Expires June 25, 1996

REEL 6723 FRAME 97

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RECORDED
PATENT AND TRADEMARK
OFFICE

ASSIGNMENT

For valuable consideration, I, Nathaniel M. Sims, of Wellesley Hills, Massachusetts hereby assign to The General Hospital Corporation, a Massachusetts corporation having a place of business at Boston, Massachusetts 02114, and its successors and assigns (collectively hereinafter called "the Assignee"), the entire right, title and interest throughout the world in the inventions and improvements which are subject of an application for United States Patent filed October 15, 1992, application serial number 07/961,527, entitled AN INFUSION PUMP WITH AN ELECTRONICALLY LOADABLE DRUG LIBRARY AND A USER INTERFACE FOR LOADING THE LIBRARY

this assignment including said application, any and all United States and foreign patents, utility models, and design registrations granted for any of said inventions or improvements, and the right to claim priority based on the filing date of said application under the International Convention for the Protection of Industrial Property, the Patent Cooperation Treaty, the European Patent Convention, and all other treaties of like purposes; and I authorize the Assignee to apply in all countries in my name or in its own name for patents, utility models, design registrations and like rights of exclusion and for inventors' certificates for said inventions and improvements; and I agree for me and my respective heirs, legal representatives and assigns, without further compensation to perform such lawful acts and to sign such further applications, assignments, Preliminary Statements and other lawful documents as the Assignee may reasonably request to effectuate fully this assignment.

IN WITNESS WHEREOF, I hereto set my hand and seal at Boston, Massachusetts,
this 5th day of October, 1993 Nathaniel M. Sims L.S.
NATHANIEL M. SIMS

STATE OF Massachusetts :
COUNTY OF Suffolk :SS.

Before me this 5th day of October, 1993, personally appeared NATHANIEL M. SIMS known to me to be the person whose name is subscribed to the foregoing Assignment and acknowledged that he executed the same as his free act and deed for the purposes therein contained.

Elaine A. Lynch
Notary Public

My Commission Expires:

[Notary's Seal Here]

My Commission Expires May 27, 1999

RECORDED
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REEL
6721
FRAME
0194